

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Energy and Environmental Affairs, to which was referred House Bill No. 1191, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 13-11-2-40 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 40. "Confined feeding
- 5 operation", for purposes of IC 13-18-10, means:
- 6 (1) any confined feeding of:
- 7 (A) at least three hundred (300) cattle;
- 8 (B) at least six hundred (600) swine or sheep; ~~and~~
- 9 (C) at least thirty thousand (30,000) fowl; ~~or~~
- 10 **(D) at least five hundred (500) horses.**
- 11 (2) any animal feeding operation electing to be subject to
- 12 IC 13-18-10; or
- 13 (3) any animal feeding operation that is causing a violation of:
- 14 (A) water pollution control laws;
- 15 (B) any rules of the water pollution control board; or
- 16 (C) IC 13-18-10.
- 17 A determination by the department under this subdivision is appealable
- 18 under IC 4-21.5.
- 19 SECTION 2. IC 13-18-10-1 IS AMENDED TO READ AS
- 20 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. ~~(a)~~ A person may not

1 start construction of a confined feeding operation without obtaining the
2 prior approval of the department.

3 ~~(b) Obtaining an NPDES permit for a CAFO meets the requirements~~
4 ~~of subsection (a) and 327 IAC 16 to obtain an approval."~~

5 Page 11, delete lines 6 through 17, begin a new line block indented
6 and insert:

7 **"(3) Subject to subsection (c), the establishment of**
8 **certification and educational programs, as determined by the**
9 **state chemist, relating to the application of fertilizer material,**
10 **the transportation of fertilizer material, or both for the**
11 **following:**

12 **(A) Persons who apply fertilizer material for hire,**
13 **transport fertilizer material for hire, or both.**

14 **(B) Persons who apply fertilizer material, transport**
15 **fertilizer material, or both from the following:**

16 **(i) Confined feeding operations (as defined in**
17 **IC 13-11-2-40).**

18 **(ii) Operations outside Indiana that would be confined**
19 **feeding operations (as defined in IC 13-11-2-40) if they**
20 **were located in Indiana.**

21 **(4) The establishment of fees for the certification and**
22 **education programs established under subdivision (3)."**

23 Page 11, between lines 21 and 22, begin a new paragraph and insert:

24 **"(c) The state chemist may waive all or part of the certification**
25 **requirements established under subsection (a)(3) on a reciprocal**
26 **basis with any state agency or federal agency that has substantially**
27 **the same certification standards."**

28 Renumber all SECTIONS consecutively.

(Reference is to HB 1191 as reprinted February 21, 2009.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 1.

Senator Gard, Chairperson